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### EXAMINER'S AMENDMENT

1. The amendment after final rejection, filed 9 July 2009, has been entered. Claims 14, 17, 20, 25, 30, 32-34, and 39-53 are pending.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Landrum on 21 August 2009.

3. The application has been amended as follows:

In the specification:

At p. 1, the title has been changed to:

-- Nucleic acids encoding sodium channel SCN1A alpha subunit proteins with mutations associated with epilepsy --

In the claims:

In claim 14, line 2, delete "comprising a nucleic acid sequence"

In claim 14, part (a), delete "a nucleic acid sequence encoding an alpha subunit" and replace with -- a nucleic acid comprising a sequence encoding an alpha subunit --

In claim 30, delete "a nucleotide sequence as set forth in SEQ ID NO:190 or SEQ ID NO:192" and replace with -- the nucleotide sequence as set forth in SEQ ID NO:190 or the nucleotide sequence as set forth in SEQ ID NO:192 --

In claim 32, after "wherein" insert -- an --

In claim 33, after "wherein" insert -- a --

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In claim 34, after "wherein" insert - - a - -

In claim 49, delete lines 1-2 and replace with - - A purified human SCN1A nucleic acid comprising a nucleic acid sequence selected from the group consisting of: - - -

In claim 49, part (b)(v), delete "nucleotide 828" and replace with - - position 828 - - -

In claim 50, part(viii), delete "nucleotide 828" and replace with - - position 828 - - -

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL KOLKER whose telephone number is (571)272-3181. The examiner can normally be reached on Mon - Fri 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on (571) 272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel E. Kolker/

Primary Examiner, Art Unit 1649

August 21, 2009